THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :27910 of 2007

DATED:31-12-2007

BETWEEN:

Syed Yaseen Sab.

..... PETITIONER

AND

The District Collector,
Anantapur District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in taking steps to acquire the land of the petitioner an extent of Ac.2.40 cents in Sy.No.25/4 situated at Gollapuram village, Hindupur mandal, Anantapur District without following any procedure and without initiating any proceedings under any of the statutes, as illegal and arbitrary.

3. It is the case of the petitioner that he being a landless poor was assigned an extent of Ac.2.40 cents by the then Mandal Revenue Officer, Hindupur vide proceedings in D.A.R.Dis.No.204/65, dated 12-12-1955, and since then he was in continuous possession and enjoyment of the same. Whileso, the Tahsildar, Hindupur issued a notice in Rc.No.51/2007 (B) dated 31-10-2007 stating that the said land is required for public purpose used by the APIIC and accordingly, the assigned land vide D.A.R.Dis.No.209/65 IB No.127/436 in respect of Ac.2.40 cents in Sy.No.25-4 situated at Gollapuram village, Hindupur mandal is sought to be resumed by giving the appropriate ex-gratia in accordance with the Government orders. Accordingly,

petitioner was directed to appear before the Tahsildar on 05-11-2007 and submit the original documents of the said land, i.e., D-form patta, ryotwari pass book, passport, photographs, and ration card etc., It is stated that petitioner made a representation, dated 05-04-2007, requesting not to resume the said land as he also wants to utilize the same for industrial purpose.

4. I am not inclined to express any opinion whether the said request can be considered or not, but if the petitioner is not allowed to utilize the same for industrial purpose and if the said land is sought to be resumed the respondents have to pay compensation/ex-gratia as per the provisions of the Land Acquisition Act, 1984 including the solatium, additional compensation, and interest as directed by this Court in W.P.No.28085 of 2007 & Batch, dated
28-12-2007.

5. Having regard to the facts and circumstances, respondents are directed to consider and dispose of the representation of the petitioner, dated 05-11-2007, and till final orders are passed, keeping in view the aforesaid observations, no coercive steps may be taken.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

31st December, 2007.

Note:

Furnish C.C. of the order
within two days.

B/o
Tsy